

# **CSXT Exhibit 2**

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**BY EMAIL**

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Re: *CSX Transportation, Inc., et al v. Norfolk Southern Railway Company, et al*  
Civil Action No.: 2:18-cv-00530

Dear Counsel:

In keeping with our discussions on Tuesday, June 2, 2020, CSX believes it is entitled to additional discovery, based on the information and documents we obtained immediately before, during and after the depositions taken in February and March, 2020, particularly as to what we

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obtained from NS. In that respect, we note that NS had advised the Court that its document production would be substantially complete on February 7, 2020. Before February 7, 2020, we received approximately 36,000 pages of documents from NS. On February 7 we received an additional approximately 68,000 pages from NS. We began depositions on February 14. On February 28 NS produced approximately 95,500 pages of documents and on March 10 NS produced another approximately 106,000 pages of documents. In short, approximately 2/3 of the document pages produced to date by NS were produced after the "substantial completion" date.

The documents produced on and after February 7, 2020 impacted CSX's discovery needs. Accordingly, we desire to take the depositions of Cary Booth, Rob Martinez and Amanda Nelson. We are also entitled to reopen the depositions of Chris Luebbers, Michael McClellan and Jeffrey Heller to inquire about matters and documents that were not known and/or produced when their depositions were taken.

It is our understanding that the Defendants prefer to let CSX complete its additional discovery before they begin their depositions of the CSX and third party witnesses. We are amenable to that process, and assuming conditions permit, we believe we can complete that additional discovery in July or early August. We envision the Defendants beginning depositions in August, and would agree they may continue in September.

We look forward to further discussing the resumption of depositions on Monday, June 8. With best wishes, I am

Sincerely yours,



Robert W. McFarland

RWM:kyw

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